

James M. Finberg (SBN 114850)
Eve H. Cervantez (SBN 164709)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

Kelly M. Dermody (SBN 171716)
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Attorneys for Plaintiffs and Class Counsel
[additional counsel on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI
BOYKIN, VALERIE BROWN, RICK
GONZALES, CYNTHIA GUERRERO,
RACHEL HUTCHINS, TYRONE
MERRITT, KELVIN SMITH, SR., and
KEN STEVENSON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware
corporation,

Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

STIPULATION AND [PROPOSED] ORDER
RE: PAYMENTS TO CLASS MEMBERS
WHO WERE NOT INCLUDED ON THE
INITIAL CLASS LIST OR WHOSE CLAIM
FORMS WERE NOT TIMELY RECEIVED
DUE TO NO FAULT OF THEIRS

1 WHEREAS, the deadline for claims forms required that claims forms be mailed to the
2 Claims Administrator postmarked no later than August 1, 2007;

3 WHEREAS, based on claims forms received as of October 1, 2007, including several late
4 claims forms permitted by prior stipulation of the parties and Order of this Court, the Claims
5 Administrator calculated the amount owing to each class member pursuant to the Plan of
6 Allocation and mailed out checks to 12,053 claimants on December 5, 2007;

7
8 WHEREAS, the Claims Administrator has made best efforts to contact class members
9 who have not cashed their checks, to encourage them to cash the checks. The Claims
10 Administrator called all claimants whose claims were \$1,000 or more. In addition, on March 4,
11 the Claims Administrator sent a reminder letter to all those who had not yet cashed their checks,
12 telling them that they need to do so by March 23, 2008. The Claims Administrator has reissued
13 checks to claimants who stated that they did not receive their original checks, and given those
14 claimants an additional 30 days from the date of issuance to cash their reissued checks;

15
16 WHEREAS, despite those efforts, as of March 27, 2008, 118 class members have not
17 cashed checks totaling \$55,330.69.

18 WHEREAS, Section XXII.P of the Consent Decree requires that any funds
19 remaining from uncashed checks be donated to an as-yet undecided charitable organization;

20
21 WHEREAS, it appears to the parties that the following three class members submitted
22 timely claims forms but were not sent settlement checks by the Claims Administrator:

23 Ransom Wade submitted a timely claim form post-marked on July 28, 2007. Because he
24 was not on the original class list, the Claims Administrator did not issue him a check. Further
25 investigation has revealed that Mr. Wade is a class member who was not originally identified as a
26 class member by FedEx because of a flaw in the electronic data.

27
28 Ericka Howell submitted a timely claim form post-marked on July 27, 2007. It was

1 received by the Claims Administrator on or about December 27, 2007, with a notation from the
2 Post Office that it had been found in supposedly empty equipment.

3 Tameka Jones submitted a timely claim form post-marked on August 1, 2007. It was
4 received by the Claims Administrator on or about December 18, 2007.

5 WHEREAS, it appears to the parties that the following three class members submitted
6 untimely claims forms that were untimely through no fault of their own:
7

8 Peter Dadzie was serving overseas in the merchant marines and therefore did not receive
9 the Notice and Claim Form prior to the Claims Form filing deadline.

10 David Norwood was not on the original class list, and therefore was not sent a Claims
11 Form in time to file it by the Claims Form filing deadline. It now appears that Mr. Norwood is
12 indeed a class member.

13 Feras Shaumon was not on the original class list, and therefore was not sent a Claims
14 Form in time to file it by the Claims Form filing deadline. It now appears that Mr. Shaumon is
15 indeed a class member.

16 WHEREAS, it appears to the parties that the following three people did not submit claims
17 forms because they were not on the original class list, and thus were not sent claims Forms:
18 Laurence Quarles, Martha Daniels, Alonzo Gonzales. It now appears that they are indeed class
19 members.
20

21 THEREFORE, the parties hereby stipulate and agree as follows:
22

23 1. The Claims Administrator shall use funds remaining from uncashed checks to pay
24 Ransom Wade, Ericka Howell, Tameka Jones, Peter Dadzie, David Norwood, and Feras
25 Shaumon what they would have received in accordance with the Plan of Allocation had
26 their claim forms been timely received.

27 2. The Claims Administrator shall mail Claims Forms to Laurence Quarles, Martha
28

1 Daniels, and Alonzo Gonzales, and request that they return those Claims Forms within 30
2 days.

3 3. If Laurence Quarles, Martha Daniels, and/or Alonzo Gonzales return their Claims
4 Forms to the Claims Administrator within 30 days of mailing, the Claims Administrator
5 shall use funds remaining from uncashed checks to pay them what they would have
6 received in accordance with the Plan of Allocation had their claims been timely received.

7 4. No additional late claims will be accepted. All funds remaining from uncashed
8 checks after the above-mentioned nine class members have been paid will be donated to a
9 charitable organization pursuant to Section XXII.P of the Consent Decree. The parties will
10 meet and confer about which organization(s) shall receive those funds.
11

12
13 Dated: March 31, 2008

ALTSHULER BERZON LLP

14 By: /s/ James M. Finberg

15 *Attorneys for Plaintiffs and Class Counsel*

16 James M. Finberg (SBN 114850)
17 Eve H. Cervantez (SBN 164709)
18 ALTSHULER BERZON LLP
19 177 Post Street, Suite 300
20 San Francisco, CA 94108
21 Telephone: (415) 421-7151
22 Facsimile: (415) 362-8064

23 Kelly M. Dermody (SBN 171716)
24 LIEFF, CABRASER, HEIMANN &
25 BERNSTEIN, LLP
26 275 Battery Street, 30th Floor
27 San Francisco, CA 94111-3339
28 Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Todd M. Schneider (SBN 158253)
Guy B. Wallace (SBN 176151)
Joshua Konecky (SBN 182897)
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 421-7100
Facsimile: (415) 421-7105

JOHN BURRIS (SBN 69888)
7677 Oakport Bldg., Suite 1120
Oakland, CA 94612
Telephone: (510) 839-5210
Facsimile: (510) 839-3882

MICHAEL S. DAVIS (SBN 160045)
345 Hill Street
San Francisco, CA 94109
Telephone: (415) 282-4315
Facsimile: (415) 358-5576

KAY MCKENZIE PARKER (SBN 143140)
225 Bush Street, 16th Floor
San Francisco, CA 94104
Telephone: (415) 227-9622
Facsimile: (415) 227-4522

WAUKEEN Q. MCCOY (SBN 168228)
703 Market Street, Suite 1407
San Francisco, CA 94103
Telephone: (415) 675-7705
Facsimile: (415) 675-2530

Dated: March 31, 2008

By: 

Attorneys for Defendant

Frederick Douglas
(Admitted Pro Hac Vice)
FEDERAL EXPRESS CORPORATION
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, TN 38125
Telephone: (901) 434-8519
Facsimile: (901) 434-9271

ORDER

The forgoing stipulation is approved, and IT IS SO ORDERED.

Dated: _____



The Hon. Susan Illston
United States District Judge